(2) PROMULGATION OF ORDERS UNDER SECTION 144, CRIMINAL PROCEDURE CODE, IN TIRUCHIRAPPALLI.

MR. SPEAKER :—" The hon. Member, Sri P. Rangaswami Reddiar, has given notice of the following adjournment motion. In his hurry, he has not written it clearly and I find it very difficult to read :—

' Whereas a drama known as " Valmiki Ramayana " was to be staged by Messrs. Radha and Party at Tiruchirappalli on 18th December 1954, whereas the said drama is not banned so far and whereas orders under section 144, Criminal Procedure Code, have been issued prohibiting the staging of the said drama and the Police had also arrested Mr. M. R. Radha in his residence at 9 a.m. on 18th December 1954 and whereas a situation of unprecedented importance has arisen which is likely to result in grave breach of peace, and commotion, the business of this House do stand adjourned to discuss a definite matter of urgent public importance, namely, the promulgation of orders under section 144, Criminal Procedure Code, at Tiruchirappalli prohibiting the staging of the drama " Valmiki Ramayana " on 18th December 1954, the arrest of Mr. M. R. Radha and subsequent consequences. '

" I wish to know from the hon. Member whether there is no other remedy and whether this House is the place for seeking the remedy."

* SRI P. RANGASWAMI REDDIAR :—" Mr. Speaker, Sir, at the outset I wish to draw the attention of the Government and the hon. Members to the fact that somewhere in 1926 or 1927, an adjournment motion was moved, admitted and discussed in the then Legislative Council with regard to the promotion of a Sub-Registrar overlooking or superseding the claims of some other Sub-Registrars. I will bring the volume and show it to the Speaker. If such a matter could be admitted and discussed under an adjournment motion, I hardly find any justification for not admitting this motion. This is the first time that a situation like this has arisen. Of course here and elsewhere, there are two sections."

MR. SPEAKER :—" Let not the hon. Member go into the merits of the question. Let him convince me that this comes under the rules governing adjournment motions."

* SRI P. RANGASWAMI REDDIAR :—" The privileges and rights of individuals are curtailed by the Executive. In this case, even at the stage of intention, that is, long before the intended act was accomplished, the person was arrested. The drama was to have taken place at 9 or 10 p.m. and long before the scheduled hour, the person was arrested by the Police at his residence."

MR. SPEAKER :—" Then there is a remedy in the Court."

* SRI P. RANGASWAMI REDDIAR :—" Individual rights are curtailed like this. Simply because a man said that he intended to do a certain thing, he was arrested. But he may change his opinion before actually doing the thing. He was not arrested in pursuance of any criminal warrant."

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MR. SPEAKER :—" Whatever that may be, let us not go into the merits of the question. As soon as a person is arrested, should that matter be brought before this House and all other business adjourned? "

* SRI P. RANGASWAMI REDDIAR :—" My submission is that there is an equal amount of tension on the part of people who want to see the drama. Simply because a handful of elements want to create a breach of the peace, I think the Executive should not interfere. I wish to draw the attention of the Government to the fact that when the same party wanted to stage another drama in Karur in 1952, an order under section 144, Criminal Procedure Code, was promulgated. Mr. M. R. Radha appealed against that order to the High Court. The Judge in his judgment pointed out that the Police should have prevented the unruly and rowdy elements, from whichever party they may come, from doing mischief and that the order under section 144, Criminal Procedure Code, should not have been promulgated. I am not quoting the exact words, but I am giving only the substance of the judgment. That was brought to the notice of the Government in 1952 by me by means of an interpellation. I do not think the Government have either scrutinized the judgment or given any weight to it."

12-20 p.m. SRI S. SWAYAMPRAKASAM :—" Sir, apart from the subject-matter of the motion, one important point to be noted is this. We do not know what happened in Tiruchirappalli. But from the reports in the newspapers we find that Sri M. R. Radha who was to have staged a drama had been arrested. It seems from the newspaper reports that he had given public notice that he was going to break the ban imposed on him. During the night of the particular day he was going to stage a drama which was banned under section 144 of the Criminal Procedure Code by the Magistrate of Tiruchirappalli. He was, therefore, taken into custody early in the morning at 9 o'clock under section 151. Section 151 of the Criminal Procedure Code is a preventive one. Criminal jurisprudence goes to show that a man may announce that he is going to commit a certain offence but in the last minute it is open to him to change his mind and not commit the offence."

MR. SPEAKER :—" All this has to be argued in a Court of Law."

SRI S. SWAYAMPRAKASAM :—" Sir, to-morrow the man may be released. I am certain about that. But if the Government or their officials abuse the provisions of this section, there is no remedy even in a court. If a charge-sheet is filed in the court, then the case can be fought out. But in this case it has not happened. In these circumstances, the matter is very important."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I beg to disagree with the hon. Gentlemen that this is an important matter to discuss which there will be any justification to adjourn the business of this House. The hon. Gentleman Sri Swayamprakasam

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was arguing that there was no remedy available. I do not know why he says like that being a lawyer and after having been a Public Prosecutor also. There is a remedy available. If it is a case of illegal detention, one can always go to the court and get an order of release. If it is a case of legal detention, even this House cannot discuss it.

"With regard to the point made by the hon. Gentleman Sri Rangaswami Reddiar, it is only the rowdy elements that the Police are prosecuting and arresting now. Therefore, there need not be any complaint on that score."

MR. SPEAKER :—" There is a remedy for this case outside this House. If, as soon as an arrest is made, it is brought before this House as an urgent matter of public importance to be discussed, I do not think that we will be able to corry on any work here. I must tell the hon. Member Sri Rangaswami Reddiar that there is a remedy available in the court. He can go to a court. Therefore, I rule the motion out of order."

SRI M. PALANIYANDI :—" On a point of clarification, Sir. Simply because a man wants to stage a drama, is he a rowdy in the view of the Hon. the Finance Minister? "

MR. SPEAKER :—" Who said that? "

SRI M. PALANIYANDI :—" The Minister said just now that only the rowdy elements were arrested. Simply because a man wants to stage a drama, is he to be considered a rowdy? "

THE HON. SRI C. SUBRAMANIAM :—" I have no illusions in my mind. If the hon. Gentleman has some illusion, he may clear it himself."

III.—ANNOUNCEMENT BY THE HON. SPEAKER.

MESSAGES FROM THE COUNCIL.

MR. SPEAKER :—" I have to announce to the House that I have received the following messages, dated the 18th December 1954, from the Hon. Chairman, Madras Legislative Council :—

'(1) In accordance with rule 111 of the Madras Council Rules, I transmit a copy of the Indian Bar Councils (Madras Amendment) Bill, 1954 (L.A. Bill No. 47 of 1954), as passed and agreed to by the Council on the 18th December 1954 with no amendment and signed by me.

(2) In accordance with rule 111 of the Madras Council Rules, I transmit a copy of the Mappilla Marumakkattavam (Amendment) Bill, 1954 (L.A. Bill No. 44 of 1954), as passed and agreed to by the Council on the 18th December 1954 with no amendment and signed by me.

(3) In accordance with rule 111 of the Madras Council Rules; I transmit a copy of the Motor Vehicles (Madras Amendment) Bill, 1954 (L.A. Bill No. 45 of 1954), as passed and agreed to by the Council with no amendment and signed by me.' "